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LETTER DATED 17 SEPTEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF BURUNDI TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith for the members of the Security Council the message from the Government of Burundi to the heads of State of the region following the fifth regional summit on the Burundi conflict.

The Government of Burundi reaffirms its determination to pursue the peace process, negotiations on which are open to all parties to the conflict, while emphasizing its concerns regarding the requisite conditions for a successful outcome.

The contribution of the international community and neighbouring countries to the attainment of these conditions remains essential.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Gamaliel NDARUZANIYE
Ambassador
Permanent Representative

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ANNEX

Message from the Government of Burundi to the heads of State of the region following the fifth regional summit on the Burundi conflict

1. The Government of the Republic of Burundi requested postponement of the first session of the intra-Burundi negotiations, scheduled for 25 August 1997 at Arusha, to allow time for consultation with all its partners so as to improve conditions for mediation and to find another location, outside the United Republic of Tanzania, more suitable for hosting the dialogue.

2. A summit of the heads of State of the region was convened at Dar-es-Salaam by the President of the United Republic of Tanzania on 3 and 4 September 1997. President Yoweri Museveni was mandated to transmit the content and spirit of the summit conclusions. He performed this mission by inviting the President of the Republic of Burundi on 12 September 1997 to Mbarara in Uganda. During the talks President Pierre Buyoya had an opportunity to explain to his Ugandan counterpart the position of the Government of the Republic of Burundi, summarized as follows.

3. The Government of the Republic of Burundi expresses its regret at not having been invited to the summit. The Government is of the view that its presence at these meetings dealing exclusively with the Burundi conflict is essential for the purpose of providing information and explanations to the heads of State of the region in the interest of peace in Burundi.

4. The peace process in Burundi must involve dialogue and negotiation among the people of Burundi. The Government has undertaken to follow such a path and to establish all necessary conditions for a successful conclusion to the process. It has thus undertaken a wide-ranging information campaign to encourage all political and social actors in Burundi to accept the process. The Government has elected to organize a broad national debate and negotiations so as to promote the emergence of consensus on the fundamental issues and appropriate solutions. At the conclusion of this process the consultations will be followed by the establishment of a transition Government, on a negotiated basis, allowing the country to move along the path that the people of Burundi themselves have indicated. The ultimate objective will be to establish democratic institutions acceptable to all.

5. The Government of the Republic of Burundi once again expresses its concern with regard to the mediation and which country is to host the mediation. No process can bring about peace in Burundi unless it fully involves the people of Burundi and is conducted with their full approval. It is therefore essential that there be greater cooperation between the mediator and the people of Burundi, particularly the Government of the Republic of Burundi, which provides leadership for the country at the highest level and has the heavy responsibility of leading it out of the crisis.

6. The Government of the Republic of Burundi believes that in order to strengthen the confidence of all parties in the mediation, in accordance with

principles universally recognized as applying in such circumstances, the mediator must be provided with support by other key individuals and experts versed in dispute-settlement methods.

7. It should be easy to understand why the Government of the Republic of Burundi objects to the talks being held in the United Republic of Tanzania, the fundamental reason for this objection being the current tension resulting from the problems caused by the refugee camps set up all along the shared border by the United Republic of Tanzania, just a dozen or so kilometres from Burundi, which are regularly used as bases for bloody incursions into Burundi territory. This tension has been exacerbated by the hostile campaign conducted by the Tanzanian authorities in the run-up to the opening of the peace talks. A mediation endeavour must therefore be undertaken without delay to settle the conflict between Burundi and the United Republic of Tanzania, so as to give the Burundi peace process every possible chance of succeeding and preserve peace in the region.

8. The Government of the Republic of Burundi has undertaken to pursue the peace process by negotiation. It requested postponement of the first session of the talks solely because it wished them to take place in optimum circumstances. Taking a coercive approach towards it and towards the people of Burundi is therefore pointless, if not harmful. It calls once again for a complete end to the sanctions that are injuring the Burundi people, particularly the most vulnerable segments of the population.

9. The Government of the Republic of Burundi sees no justification for the appeal made to it by the fifth summit of the heads of State of the region to halt ongoing trials. Halting the trials would throw the country into disorder and jeopardize public security. No Burundian would be able to understand why the perpetrators of minor offences should be punished by law, while murderers could not be tried for such crimes as the assassination of President Ndadaye and the subsequent genocidal massacres. Halting either ongoing or future legal proceedings is unacceptable. The proper approach is to ensure that every defendant is given a just and fair trial at which the right to defence is guaranteed. The Government has already undertaken to do everything within its power to ensure that this will be done.

10. With respect to participation in the peace talks by certain key figures referred to in the joint communiqué of the fifth regional summit on the Burundi conflict, the Government of the Republic of Burundi reaffirms its commitment to all-inclusive negotiations in which State bodies and any political or civil organizations wishing to do so may participate. However, the law cannot be circumvented: nobody is above the law. Moreover, only representatives of public institutions and political or civil organizations taking part in the negotiations may participate. The Government appeals to the heads of State of the region for understanding, since it will not be possible to grant authorizations on an exceptional basis that would disrupt public order or would not be justified on the basis of valid representative status.

11. In keeping with its desire to lead the country towards peace through dialogue and negotiation, the Government of the Republic of Burundi will respond

to the next invitation to the peace talks. However, it will continue to raise its concerns if they have not been met in the meantime.

12. The Government of the Republic of Burundi thanks the heads of State of the region for their interest in promoting peace in Burundi. It calls on them to place their confidence in it and to recognize that it is the party chiefly concerned and a partner that cannot be ignored in the endeavour to bring the peace process in Burundi to a successful conclusion.